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SUBJECT: LEBANON: MOST UNSC MEMBERS BACK UNIIIC EXTENSION
FOR SIX MONTHS

REF: USUN 316

1. (SBU) Summary. During a public briefing and then closed consultations of the Security Council on April 8, UN International Independent Investigation Commission (UNIIIC) Commissioner and Prosecutor-designate of the Special Tribunal for Lebanon (STL) Daniel Bellemare asked for a six-month extension of UNIIIC's mandate (which expires June 15) until the end of 2008. But he warned that he might need to request an additional extension once this six-month period expires, as the "search for justice must follow its course and cannot be rushed." Bellemare also clarified that he had used both the terms "terrorist" and "criminal" in his report to the UNSC to describe those who killed Rafiq Hariri, and confirmed that UNIIIC's analysis of the political nature of the Hariri assassination had not changed. Most UNSC delegations expressed a willingness to respond positively to Bellemare's request for an extension of UNIIIC's mandate. Several delegations praised Bellemare for his decision not to release names of suspects until the indictment phase and warned against any politicization of the work of UNIIIC or the STL. In a departure from past Council practice on UNIIIC briefings, Russia alone took the floor during the public briefing to ask Bellemare to address the fate of the four Lebanese generals detained by the GOL since 2005 on the recommendation of then-UNIIIC Commissioner Detlev Mehlis, who suspected them of involvement in the Hariri assassination. Bellemare replied that the four generals were detained by the Lebanese authorities based on Lebanese law. End Summary.

Bellemare Requests Six More Months

2. (SBU) During his public briefing, Bellemare asked the Council to consider extending the mandate of UNIIIC beyond June 15, 2008, but did not specify for how long. In closed consultations, however, he asked for a six-month extension until the end of 2008, but warned that he might come back to the Council at that point and request even more time. He emphasized throughout his briefing that the "search for justice must follow its course and cannot be rushed." The Commission's work must not be seen as "slow," but "deliberate." As he had in prior bilateral meetings (reftel), Bellemare also clarified his use of the phrase "criminal network" to describe those who killed Rafiq Hariri. He noted that the report refers to terrorism repeatedly, that his use of the word "criminal" must be seen in that context, and that UNIIIC's analysis of the political nature of the crime had not changed. In terms of the transition from UNIIIC to STL, Bellemare repeated his argument that the time between the Prosecutor's assumption of his duties and the filing of indictments should be minimized, to manage public expectations for the work of the STL.

Most UNSC Members Support UNIIIC Extension

¶3. (SBU) Most Council members expressed a willingness to respond positively to Bellemare's request that UNIIIC's mandate be extended for six months. Russia said it was prepared to consider extending UNIIIC's mandate, but reiterated its position that the Commissioner and Prosecutor must not function in parallel, and argued that UNIIIC's investigation should be completed before the STL begins functioning. Indonesia said it stands ready to discuss a UNIIIC extension constructively with other members. Libya argued that UNIIIC should try as hard as possible to complete its work by June 15, 2008, so that the STL could begin functioning soon. Further delay in seeing the results of UNIIIC's investigation could perpetuate and inflame Lebanon's political crisis, Libya argued. (Note: After the consultations, Libyan diplomats told USUN they acknowledged the validity of Bellemare's need for additional time and said they would not oppose his request for an extension of the mandate, assuming the Lebanese support it. End Note.)

Concerns About Politicization

¶4. (SBU) Several delegations praised Bellemare's insistence on adhering to the highest international legal standards and warned against any politicization in the work of UNIIIC or the STL. Russia welcomed Bellemare's intention to reveal the names of his suspects only in indictments submitted to the STL. Panama praised Bellemare for resisting pressure to wind down his investigation prematurely. Indonesia and South Africa expressed concern about the burdens placed on UNIIIC by the technical assistance requests into the other 20

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attacks, but Bellemare assured them that UNIIIC's priority remains the Hariri investigation, and that these other investigations have helped shed light on that crime. Libya beseeched Bellemare to reveal the names of those countries that have cooperated with UNIIIC, to "add transparency and effectiveness to UNIIIC's work," as well as to reveal which countries have provided late responses to the Commission's requests for assistance. Bellemare refused on the grounds that revealing such information would prematurely disclose the results of his investigation by offering hints about his areas of focus.

Russia Raises Four Generals

¶5. (SBU) In a departure from past Council practice on UNIIIC briefings, Russia alone took the floor during the public briefing to ask Bellemare to address the fate of the four Lebanese generals detained by the GOL since 2005 on the recommendation of then-UNIIIC Commissioner Detlev Mehlis, who suspected them of involvement in the Hariri assassination. Bellemare replied in the public briefing that the four generals were detained by the Lebanese authorities based on Lebanese law. Although he said he had discussed the matter with the Prosecutor-General of Lebanon, as part of his ongoing relationship, Bellemare refused to comment on the nature of these discussions, to protect the confidentiality of his dialogue with his Lebanese counterparts. During the closed consultations, South Africa asked Bellemare specifically whether UNIIIC had discussed the case of the four generals with the GOL, and suggested that he address this issue in his next report to the Council. Bellemare replied that UNIIIC continues to discuss all cases, including those of the four generals, with the Lebanese, and said he took note of South Africa's request to raise the issue at a later date.
Khalilzad